IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.776 OF 2004
IN
SUMMARY SUIT NO.2396 OF 2004

Goyal Starch Products ..Plaintiffs

Vs.

Sharda Paper Products P.Ltd. ..Defendants

Mr.H.V.Chande for the plaintiffs

KMC Legal Venture for the defendants

**CORAM : S.U.KAMDAR, J**
**DATED : 27TH SEPTEMBER, 2005**

P.C.:

. The present suit is filed for the recovery of sum of Rs.1,12,515/- covered under two invoices. In so far as said invoices are concerned there are part payments. The only defence raised by the defendants is that they have raised dispute in respect of quality of the goods and in support of the aforesaid contention the defendants have relied upon certain letters which are annexed as Exhibits to the affidavit dt.28.11.04. The service of the said letters is under Certificate of Posting. Not a single letter has been delivered by the

defendants to the plaintiffs raising any dispute as to the quality, quantity and the price of the said goods. I do not find any merits in the said defence. However, inspite of the same, I give opportunity to the defendants to defend the suit but the same will be on condition of deposit of Rs.1,12,000/- within four weeks, failing which plaintiffs will be entitled to decree. If the said amount is deposited the Prothonotary and Senior Master is directed to invest the same in any Nationalised Bank in Fixed Deposit initially for a period of 3 years and then renew the same from time to time till further orders of this court. If the amount is deposited then suit is to be transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from the date of deposit of the said amount. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.